

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** Chair Joe Balyeat, on February 17, 2011 at 9:00 A.M., in Room 422  
Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Tom Facey (D)  
Sen. Frederick (Eric) Moore (R)  
Sen. Donald J. Steinbeisser (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Mitch Tropila (D)  
Sen. Gene Vuckovich (D)

**Members Excused:** Sen. Carmine Mowbray (R)  
Sen. Bruce Tutvedt (R)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 202, 2/11/2011; SB 289, 2/11/2011; SB 290, 2/11/2011

Executive Action: SB 290, Do Pass; SB 289, Do Pass; SB 260, Do Pass As Amended; SB 287, Do Pass As Amended; SB 294, Discussion only; SB 232, Tabled; SB 202, Tabled; SB 102 Executive Action not completed.

**HEARING ON SB 202**

**Opening Statement by Sponsor:**

00:00:44 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB 202, Shift serving hours of small breweries.

**Proponents' Testimony:**

00:06:26 Tony Herbert, Executive Director, Montana Brewers Association (MBA)

**EXHIBIT(bus39a01)**

00:13:51 Jeff Tiberi, consumer

00:14:23 Brian Smith, owner, Blackfoot River Brewing Company, Helena

00:16:33 Chris Christiaens, Montana Farmers Union, Great Falls

00:17:41 Nicol Bozik, Bitterroot Brewing, Bozeman

00:19:30 Max Pigman, Lewis and Clark Brewing, Helena

00:21:46 Patrick Foster, consumer

00:22:23 Chuck Schnabel, owner, Quarry Brewing, Butte

00:23:24 Melissa Lewis, City of Shelby

00:24:58 Michael Uhrich, owner, Carters Brewing, Billings

00:25:53 Paul Marshall, Missoula brewery

**Opponents' Testimony:**

00:28:30 Mark Staples, Montana Tavern Association (MTA)

**EXHIBIT(bus39a02)**

**EXHIBIT(bus39a03)**

00:33:03 Sen. Mowbray arrived.

00:36:19 Gene Burgad, Montana Restaurant Association; The Rex Restaurant, Billings,

00:37:22 Don Halverson, Union Club Bar Incorporated; Montana Club Bar, Missoula

**EXHIBIT(bus39a04)**

**EXHIBIT(bus39a05)**

00:39:07 Maggie Collington, Missoula Tavern Owners Association, Ravalli County Tavern Owners Association

**EXHIBIT(bus39a06)**

00:42:26 Brian Sandrock, Casino/Bar Operations, Helena

00:45:21 Ralph Ferraro, owner, Rocking R Bar, Bozeman

00:45:45 John Hayes, Director, Cascade County Tavern Association, Great Falls

00:46:08 Bob Miller, Bear Claw Bar and Grill, McAllister

00:46:27 Steve Morris, Jorgensons, Helena

00:46:43 Janet Prescott, Park City Tavern Association, Livingston; The Office Lounge and Liquor

00:47:10 Rick Ogle, JR's Lounge, Belgrade

00:47:50 Dax Cetaro, self

00:48:09 Robert Haffner, R&R Casino, Great Falls

00:48:43 Robert Lincoln, Joe Blogz Casino, Lakeside

00:49:05 Mike Soule, Belgrade Liquor Agency #66, Liquor Store Owners Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:49:50	Sen. Moore
00:51:46	Mr. Herbert, MBA
00:52:58	Sen. Vuckovich
00:57:03	Mr. Staples, MTA
00:57:18	Chairman Balyeat
00:59:52	Mr. Staples
01:00:37	Sen. Facey
01:02:45	Ms. Bozik, Bitterroot Brewing
01:03:03	Chairman Balyeat
01:03:29	Mr. Smith, Blackfoot River Brewing
01:04:09	Sen. Facey
01:04:37	Sen. Mowbray
01:06:34	Mr. Herbert
01:07:20	Chairman Balyeat
01:07:49	Mr. Herbert
01:08:58	Sen. Tropila
01:09:35	Mr. Herbert
01:11:05	Sen. Tropila
01:12:27	Mr. Ferraro
01:12:39	Sen. Tropila
01:13:15	Mr. Staples
01:16:19	Sen. Tropila
01:17:22	Mr. Haffner, R & R Casino
01:17:47	Sen. Vuckovich
01:19:59	Mr. Herbert
01:20:11	Sen. Tropila
01:20:42	Mr. Pigman, Lewis and Clark Brewing
01:21:35	Chairman Balyeat
01:21:54	Sen. Zinke

**Closing by Sponsor:**

01:22:26	Sen. Zinke
01:29:54	Chairman Balyeat
01:30:00	Recess
01:40:40	Reconvene

**HEARING ON SB 289**

**Opening Statement by Sponsor:**

01:41:47	Sen. Ryan Zinke (R), SD 2, opened the hearing on SB 289, Increasing amount of liquor a micro-distillery may sell a retail customer.
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**Proponents' Testimony:**

01:47:09 John McKee, owner, Butte micro-distillery  
[EXHIBIT\(bus39a07\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:50:29 Sen. Tropila  
01:50:51 Sen. Zinke  
01:52:03 Sen. Tropila  
01:52:47 Mr. McKee, Butte  
01:54:33 Chairman Balyeat

**Closing by Sponsor:**

01:54:40 Sen. Zinke  
01:55:44 Sen. Windy Boy arrived.  
01:56:02 Chairman Balyeat

**HEARING ON SB 290**

**Opening Statement by Sponsor:**

01:56:15 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB 290. Exclude independent contractor as employee under Human Rights Act.

**Proponents' Testimony:**

02:00:30 Jerry Keck, Administrator, Business Relations Division, Department of Labor and Industry (DOLI)  
02:02:34 Jason Todhunter, Montana Logging Association (MLA)  
02:03:00 Bob Worthington, Executive Director, Montana Self Insurers Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:04:02 Chairman Balyeat  
02:04:28 Sen. Zinke

**Closing by Sponsor:**

02:04:50 Sen. Zinke

02:05:43 Chairman Balyeat

**EXECUTIVE ACTION ON SB 290**

02:05:50 **Motion/Vote:** Sen. Vuckovich moved that **SB 290 DO PASS**. Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.

02:06:02 Chairman Balyeat

**EXECUTIVE ACTION ON SB 289**

02:06:20 **Motion/Vote:** Sen. Facey moved that **SB 289 DO PASS**. Motion carried 10-1 by voice vote with Sen. Windy Boy voting no. Sen. Tutvedt voted by proxy.

02:07:04 Chairman Balyeat

**EXECUTIVE ACTION ON SB 260**

02:07:34 **Motion:** Sen. Windy Boy moved that **SB 260 DO PASS**.

02:08:10 **Motion:** Sen. Windy Boy moved that **SB 260 BE AMENDED**.  
[EXHIBIT\(bus39a08\)](#)

**Discussion:**

02:08:34 Ms. Murdo

02:09:43 Sen. Facey

02:09:58 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.

02:10:09 **Motion:** Sen. Facey moved that **SB 260 DO PASS AS AMENDED**.

**Discussion:**

02:10:14 Sen. Facey

02:10:43 Chairman Balyeat

02:11:35 Sen. Moore

02:12:21 Sen. Windy Boy

02:12:54 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.

**EXECUTIVE ACTION ON SB 287**

02:13:35 Chairman Balyeat

02:14:06 **Motion:** Sen. Facey moved that **SB 287 DO PASS**.

02:14:26 **Motion:** Sen. Steinbeisser moved that **SB 287 BE AMENDED.**  
[EXHIBIT\(bus39a09\)](#)

**Discussion:**

02:15:09 Ms. Murdo  
02:16:14 Sen. Steinbeisser

02:16:37 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.

02:16:51 **Motion:** Sen. Facey moved that **SB 287 DO PASS AS AMENDED.**

**Discussion:**

02:16:57 Chairman Balyeat  
02:19:02 Sen. Facey  
02:19:51 Sen. Vuckovich  
02:20:14 Chairman Balyeat  
02:20:48 Sen. Facey

02:21:22 **Vote:** Motion carried 8-3 by roll call vote with Sen. Balyeat, Sen. Jackson and Sen. Tutvedt voting no. Sen. Tutvedt voted by proxy.

02:22:46 Chairman Balyeat

**EXECUTIVE ACTION ON SB 294**

02:23:04 Chairman Balyeat

02:23:11 **Motion:** Sen. Facey moved that **SB 294 DO PASS.**

02:23:21 **Motion:** Sen. Facey moved that **SB 294 BE AMENDED.**  
[EXHIBIT\(bus39a10\)](#)

**Discussion:**

02:23:45 Sen. Facey  
02:25:35 Chairman Balyeat  
02:26:31 Sen. Mowbray  
02:26:57 Ms. Murdo  
02:27:40 Chairman Balyeat  
02:28:25 Sen. Moore  
02:28:58 Chairman Balyeat  
02:29:08 Sen. Facey  
02:30:22 Chairman Balyeat

02:31:55 **Vote:** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Tutvedt voted by proxy.

02:32:02 Chairman Balyeat  
02:32:06 Sen. Moore  
02:32:19 Sen. Facey  
02:32:44 Chairman Balyeat suggested waiting and drafting another amendment  
02:32:51 Ms. Murdo  
02:32:57 Sen. Moore

02:33:05 Sen. Facey withdrew his motion without objection.

02:33:16 Chairman Balyeat

**EXECUTIVE ACTION ON SB 232**

02:34:15 **Motion:** Sen. Steinbeisser moved that **SB 232 DO PASS.**

**Discussion:**

02:34:25 Chairman Balyeat  
02:34:31 Ms. Murdo  
02:37:53 Sen. Facey

02:37:58 **Substitute Motion:** Sen. Facey made a substitute motion that **SB 232 BE TABLED.**

02:38:08 **Vote:** Motion carried 7-4 by voice vote with Sen. Steinbeisser, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting no. Sen. Tutvedt voted by proxy.

**EXECUTIVE ACTION ON SB 202**

02:39:24 Chairman Balyeat

02:39:35 **Motion:** Sen. Windy Boy moved that **SB 202 DO PASS.**

**Discussion:**

02:40:02 Sen. Facey  
02:41:03 Chairman Balyeat  
02:42:37 Sen. Windy Boy  
02:43:03 Sen. Moore  
02:43:38 Sen. Mowbray

02:45:20 **Vote:** Motion failed 1-10 by roll call vote with Sen. Mowbray voting aye. Sen. Tutvedt voted by proxy. Without objection, Chairman Balyeat moved to **REVERSE THE VOTE and TABLE SB 202.**

02:46:59 Chairman Balyeat

**EXHIBIT(bus39a11)**

Note: Exhibit 11 pertains to SB 264 heard on 2/22/11.

02:47:16 Sen. Windy Boy  
02:49:12 Chairman Balyeat  
02:49:16 Sen. Vuckovich

**EXECUTIVE ACTION ON SB 102**

02:49:55 **Motion:** Sen. Vuckovich moved to **RECONSIDER SB 102**.

02:50:26 **Vote:** Motion carried unanimously by voice vote of those present.

02:50:50 **Motion:** Sen. Vuckovich moved that **SB 102 DO PASS**. Sen. Tutvedt voted by proxy.

02:51:10 **Motion:** Sen. Vuckovich moved that **SB 102 BE AMENDED**. Sen. Tutvedt voted by proxy.

**EXHIBIT**(bus39a12)

**Discussion:**

02:51:31 Sen. Vuckovich  
02:52:09 Ms. Murdo  
02:54:42 Chairman Balyeat  
02:54:49 Sen. Vuckovich  
02:55:03 Sen. Moore  
02:55:26 Ms. Murdo  
02:56:02 Chairman Balyeat

02:56:10 **Vote:** Motion carried unanimously by voice vote. Sen. Tutvedt voted by proxy.

02:57:03 **Motion:** Sen. Vuckovich moved that **SB 102 DO PASS AS AMENDED**.

02:57:05 Sen. Mowbray left the room.

**Discussion:**

02:57:16 Sen. Jackson

02:57:51 **Vote:** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Mowbray and Sen. Tutvedt voted by proxy.

02:59:23 Chairman Balyeat

(Chairman Balyeat failed to reverse the vote and Table the bill. Executive Action will be completed 2/18/11.)



**ADJOURNMENT**

Adjournment: 12:03 P.M.

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Linda Keim, Secretary

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Additional Documents:

**EXHIBIT([bus39aad.pdf](#))**